

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DR. OTHMANE M. ALAMI, )  
and all other persons similarly situated )  
and too numerous to name, )

Plaintiffs, )

vs. )

Case No. CIV-2001-1300M

KAPLAN INC., THE EDUCATIONAL )  
SUBSIDIARY OF THE WASHINGTON POST )  
COMPANY, a Delaware Corporation, )  
SHERRI SEGNA, SHAWNNA BOREN, )  
BOBBIE ZIMMERMAN, HEATHER )  
MYERS, and HOWARD BENSON, individually, )  
FEDERATION OF STATE MEDICAL )  
BOARDS OF THE UNITED STATES, INC., )  
and THE NATIONAL BOARD OF MEDICAL )  
EXAMINERS, )

Defendants. )

**DOCKETED**

**ORDER GRANTING LEAVE TO AMEND PETITION**

The Plaintiffs by their attorney have moved the Court for an order allowing them leave to amend their Complaint.

The proposed amended Complaint is altered as follows:

The embolden words centered above paragraph 1 "First Cause of Action" are deleted altogether.

Paragraph 1:

1. Strike the number "1983" and strike the words "in concert with The Federation of State Medical Boards of the United States, Inc., and the

National Board of Medical Examiners, the three formed the Educational Commission for Foreign Medical Graduates (ECFMG).”

2. Add in the last sentence the word “federal” between “of” and “law”.
3. Addition of the words “Fifth and” between “protected by the” and the word “Fourteenth.”
4. Addition of “and by 42 U.S.C. § 1981.” at the end of the paragraph.

The embolden words “Second Cause of Action” preceding paragraph 2 is changed to “First Cause of Action”.

Paragraph 2:

1. Strike the word “also” between “situated” and “seek”.
2. The word “whit” is corrected to read “white”.
3. Strike “and for violation of 42 U.S.C. § 1986 for those corporate entities who did nothing to stop the discrimination once it was reported to them in August 2000.” and replace with “to the Immigration and Naturalization Service (INS).”

The embolden words “Third Cause of Action” preceding paragraph 3 is changed to “Second Cause of Action”.

Paragraph 3:

1. Strike “equal protection of law.” and change to “their rights under 42 U.S.C. § 1981.”
2. Addition of “Kaplan” after the word “Defendants” and changes “Defendants” to the singular “Defendant”.

3. Addition of the words “of 42 U.S.C. § 1986” between “violations” and “for” and changes “violations” to the singular “violation”.

The embolden words “Fourth Cause of Action” preceding paragraph 4 is deleted.

Paragraph 4: The entire paragraph is deleted.

Paragraph 5: The entire paragraph is deleted.

Paragraph 6:

1. Renumbered to 4.
2. Strike “1983” on line 4 of paragraph 4.
3. Addition of the words “the Fifth Amendment as it applies to the” between “and” and “Fourteenth”.

Paragraph 7: The entire paragraph is deleted.

Paragraph 8:

1. Renumbered to 5.
2. Strike “constitutes a denial of the right of Plaintiffs themselves and on behalf of all other persons similarly situated of the equal protection of the laws under the Fourteenth Amendment to the United State Constitution and the laws of the United States.” after “Kaplan” and replace with “without discrimination.”
3. Addition of the words “and or ethnicity” after the word “race” in the fourth line.

The embolden words “Allegations” is inserted.

Paragraph 9: Renumbered to 6.

Addition of two new paragraphs numbered 7 and 8.

New Paragraph 7:

7. That Plaintiffs representative, Dr. Othmane M. Alami, and his fellow students that are or were enrolled at Kaplan schools in Oklahoma and the representatives of Kaplan specifically named as individual defendants all have common questions of fact and law.

New Paragraph 8:

8. That Plaintiffs representative, Dr. Othmane M. Alami, is a typical representative person of all those who have a claim based upon the allegations contained herein and that Dr. Alami can and will fairly and adequately protect the interests of the class herein alleged.

Paragraph 10: Renumbered to 9.

Paragraph 11: Renumbered to 10.

Paragraph 12:

1. Renumbered to 11.
2. Addition of “against Defendants Sherri Segnar, Shawnna Bore, Bobbie Zimmerman, and Heather Meyers” after “complaints”.
3. Correction of “Plaintiffs” to read as the possessive “Plaintiffs”
4. Last sentence of this paragraph becomes new paragraph 12. In this sentence “see” is correct to read “seek” and the words “or for having to abandon their medical education altogether.” is added to the end of the sentence.

Paragraph 13: No change.

Paragraph 14: No change.

Paragraph 15:

1. Strike “The corporation Defendants” from the beginning of the paragraph.
2. Strike “joined” from between “Examiners” and “together”.
3. Strike “and formed a joint venture” and replace with “created an”.
4. Addition of the sentence “Kaplan monitors the students attendance and test scores at the ECFMG.” to the end of the paragraph.

Paragraph 16: No change.

Paragraph 17: Entire paragraph is deleted.

Insertion of new paragraphs 17 and 18.

New paragraph 17:

17. Kaplan has the written approval of INS to monitor and supervise foreign medical students with respect to their attendance at Kaplan schools.

New paragraph 18:

18. The Plaintiff students are all well aware of the authority Kaplan has over their immigration status and the right of Kaplan to report them for any INS infractions.

Paragraph 18:

1. Renumbered to 19.
2. Addition of word “so” between “do” and “after”.

Paragraph 19:

1. Renumbered to 20.

2. Strike “the equal protection of the laws of the United States.” and replace with “their rights under 42 U.S.C. § 1981.”

Paragraph 20: Renumbered to 21.


Paragraph 2 of the Prayer:

1. Strike “the equal protection of the laws as guaranteed by the Fourteenth Amendments to the Constitution of the United States, and is therefore unconstitutional.” and replace with “their rights under 42 U.S.C. § 1981.”

Paragraph 3 of the Prayer:

1. Strike “the national origin.” and replace with “their ethnicity.”

**IT IS ORDERED** that the Plaintiffs are granted leave to amend their Complaint as set out above.

  
Vicki Miles-La Grange  
United States District Judge